

**UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
WESTERN DIVISION**

In re: ) Chapter 11  
GLUTH BROS. CONSTRUCTION, INC., ) Case No. 07-71375  
  ) Hon. Manuel Barbosa  
  ) Hearing Date: September 19, 2007  
Debtor.         ) Hearing Time: 10:30 a.m.

**NOTICE OF MOTION**

TO: See Attached Service List

**PLEASE TAKE NOTICE** that on **September 19, 2007, at the hour of 10:30 a.m.**, the undersigned shall appear before the Honorable Manuel Barbosa, in Courtroom 115, 211 South Court Street, Rockford, Illinois, or before any other Judge sitting in his stead, and then and there present **Bryn Mawr of Crystal Lake, LLC's Motion to Extend Reply Deadline and Hearing Regarding Its Motion to Modify the Automatic Stay and to Abstain**, a copy of which is attached and herewith served upon you. You may appear if you see fit.

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Mark L. Radtke (#6275738)  
Shaw Gussis Fishman Glantz  
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**CERTIFICATE OF SERVICE**

Mark L. Radtke certifies that service of the above and foregoing notice and attached pleadings was accomplished through the Electronic Notice for Registrants on the attached CM/ECF service list on this 12<sup>th</sup> day of September, 2007.

/s/ Mark L. Radtke

## CM/ECF Mailing Information for Case 07-71375

### Electronic Mail Notice List as of September 12, 2007

The following is the list of parties who are currently on the list to receive e-mail notices for this case.

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**BRYN MAWR OF CRYSTAL LAKE LLC'S MOTION TO  
EXTEND REPLY DEADLINE AND HEARING REGARDING ITS  
MOTION TO MODIFY THE AUTOMATIC STAY AND TO ABSTAIN**

Bryn Mawr of Crystal Lake LLC (“Bryn Mawr”), for its Motion to Extend (this “Motion”) its Reply Deadline and the Hearing on its Motion to Modify the Automatic Stay and to Abstain (the “Stay Motion”), filed pursuant to 11 U.S.C. § 362(e)(1) and Fed. R. Bankr. P. 9006, respectfully states as follows:

1. Gluth Bros. Construction, Inc. (“GBCI” or the “Debtor”) and Bryn Mawr entered into a construction agreement, which was an executory contract as of the Petition Date. On August 14, 2007, Bryn Mawr filed the Stay Motion requesting that this Court modify the automatic stay for cause pursuant to 11 U.S.C. § 362(d)(1) and due to a lack of equity pursuant to 11 U.S.C. § 362(d)(2) in order to allow Bryn Mawr to (i) terminate the construction agreement for material non-monetary breaches that cannot be cured; (ii) apply its right of setoff in a certain bond retention fund that was established by the City of Crystal Lake to pay approved project costs; and (iii) initiate an action in state court to liquidate its claims against GBCI. In the Stay Motion, Bryn Mawr also requested that this Court abstain from liquidating its claims against the Debtor pursuant to 28 U.S.C. § 1334(c)(1).

2. On August 22, 2007, this Court held a preliminary hearing on the Stay Motion and set the following dates: (i) September 5, 2007 for the Debtor’s response to the Stay Motion;

(ii) September 17, 2007 for Bryn Mawr's reply to the Stay Motion; and (iii) September 19, 2007 for a final hearing on the Stay Motion. On August 31, 2007, Bryn Mawr agreed to the Debtor's request to extend the Debtor's response deadline to September 7, 2007, and the Debtor timely filed its response to the Stay Motion (the "Response") on that date.

3. Bryn Mawr has reviewed the Response, in which the Debtor disputes many material facts. Bryn Mawr must accordingly gather additional information to address these disputed facts. Despite Bryn Mawr's desire to promptly and expeditiously resolve the issues in the Stay Motion, Bryn Mawr's limited resources are currently consumed preparing for a hearing with the City of Crystal Lake regarding the property that it the subject of the Stay Motion. In order to adequately address the issues raised by the Debtor in its Response, Bryn Mawr requires additional time in which to file and serve its reply and in which to prepare for a contested final hearing on the Stay Motion.

4. Consequently, Bryn Mawr requests that the deadline for its reply be extended to October 1, 2007, and that the final hearing on the Stay Motion be continued to October 3, 2007. Bryn Mawr's counsel has consulted with the Debtor's counsel regarding the extensions requested herein, and the Debtor has indicated that it does not have an objection to the extensions. Accordingly, the parties agree, subject to this Court's approval, that Bryn Mawr shall have until October 1, 2007 to file its reply and the final hearing on the Stay Motion shall be continued to October 3, 2007. Bryn Mawr has not previously requested an extension of time regarding this matter.

WHEREFORE, Bryn Mawr requests the entry of an order (i) extending to October 1, 2007 the deadline for filing its reply in support of the Stay Motion; (ii) continuing to October 3,

2007 the final hearing on the Stay Motion; and (iii) granting such other and further relief as is just and equitable.

Respectfully submitted,

BRYN MAWR OF CRYSTAL LAKE,  
LLC

Dated: September 12, 2007

By: /s/ Mark L. Radtke  
One of its attorneys

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